

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

APRIL 2, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Cochran called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

Charles Cochran, D.C., Vice Chair
John Bernzott, D.C.
Marian Klaes-Lanham, D.C.
David Frischman, D.C.
David Davis, D.C.

Board Members Absent:

David Dyer, D.C., Chairman

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Director, Professional Licensing Agency
Heather Hollcraft, Case Manager, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

DAVIS/FRISCHMAN
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE JANUARY 8, 2009 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the January 8, 2009 meeting of the Board.

KLAES-LANHAM/FRISCHMAN
Motion carried 5-0-0

IV. APPEARANCES

A. PROBATIONARY

- 1. Horng Yuan Shao, D.C., License No. 08001807A**
Administrative Cause No. 2007 IBCE 0002

Dr. Shao appeared before the Board, as requested, regarding his probationary status. He reported no change in his employment and he is not billing insurance. He is still practicing acupuncture as well as chiropractic. He mentioned his attorney has

filed a motion for an administrative hearing requesting withdrawal of probation. The Board advised him that hearing will be set for the July meeting.

2. Wei Chen Yang, D.C., License No. 08001810A
Administrative Cause No. 2007 IBCE 0001

Dr. Yang appeared before the Board, as requested, regarding her probationary status. She was accompanied by her attorney, Bruce A. Morford. The Board noted she is in compliance with her probation and she is has a cash only business. She stated she is doing well and staying busy and she practices both acupuncture and chiropractic. Her attorney advised he will be filing a motion for withdrawal of probation and the Board advised that hearing can be set for the July meeting.

B. RENEWAL

C. APPLICATION

1. Joshua Nathaniel DeGood, D.C.

Dr. DeGood appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. DeGood has successfully completed the law examination. Dr. DeGood is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. DeGood does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. DeGood a chiropractic license.

DAVIS/COCHRAN
Motion carried 5-0-0

2. Christopher B. Kessler, D.C.

Dr. Kessler appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Kessler has successfully completed the law examination. Dr. Kessler is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Kessler holds a license in Illinois.

Board Action: A motion was made and seconded to grant Dr. Kessler a chiropractic license.

FRISCHMAN/DAVIS
Motion carried 5-0-0

3. Nancy I. Short, D.C.

Dr. Short appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Short has successfully completed the law examination. Dr. Short is a 2008 graduate of Life University and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Short does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Short a chiropractic license.

KLAES-LANHAM/COCHRAN
Motion carried 5-0-0

4. William Richard Yadon, D.C.

Dr. Yadon appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Yadon has successfully completed the law examination. Dr. Yadon is a 2005 graduate of Palmer College of Chiropractic West and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Yadon holds a license in California, Washington, and Kentucky.

Board Action: A motion was made and seconded to grant Dr. Yadon a chiropractic license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

5. Erin Merrill, D.C.

Dr. Merrill failed to appear for the law examination and personal appearance. She will be rescheduled for June 4, 2009.

6. Eric Ghiselli, D.C.

Dr. Ghiselli appeared before the Board regarding his application for chiropractic licensure. Dr. Ghiselli has not completed the law examination and will have to complete it at a later date. Dr. Ghiselli is a 2008 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Ghiselli holds a license in Illinois.

Board Action: A motion was made and seconded to grant Dr. Ghiselli a chiropractic license upon passing the law examination.

FRISCHMAN/DAVIS
Motion carried 5-0-0

7. Eric Bilson, D.C.

Dr. Bilson appeared before the Board regarding his application for chiropractic licensure. Dr. Bilson has not completed the law examination and will have to complete it at a later date. Dr. Bilson is a 2007 graduate of New York Chiropractic College and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Bilson holds a license in North Carolina.

Board Action: A motion was made and seconded to grant Dr. Bilson a chiropractic license upon passing the law examination.

DAVIS/FRISCHMAN
Motion carried 5-0-0

V. ADMINISTRATIVE HEARINGS

A. Todd J. Posar, D.C.

Administrative Cause No. 2009 IBCE 0001

License No. 08000789A

Re: Complaint

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
Heather Kennedy, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Dr. Cochran (Hearing Officer)
Dr. Klaes-Lanham
Dr. Bernzott
Dr. Davis
Dr. Frischman

Case Summary: The State presented the Board with a proposed settlement agreement regarding a Complaint that was filed by the Indiana Office of the Attorney General on March 5, 2009. The State reviewed the proposed terms of the agreement and Dr. Bernzott stated that as the Board Designee he was comfortable with the proposed agreement because the Dr. Posar had already taken corrective actions himself and has successfully completed intensive out-patient treatment. The State advised they have no quality of care issues.

The proposed agreement reads as follows:

1. Respondent's chiropractic license shall be placed on **INDEFINITE PROBATION**. Respondent may not petition to withdraw the probationary status from his license for one (1) year and is subject to the following terms and conditions:
 - a. Respondent shall keep the Board informed of his residential address and telephone number at all time and shall notify the Board of any changes within seventy-two (72) hours.
 - b. Respondent shall keep the Board informed of the name of any chiropractic employer(s) and shall keep the Board informed of his chiropractic employer's or employers' business address and telephone number at all time and shall notify the Board of any changes within seventy-two (72) hours.
 - c. Respondent shall provide a copy of all Board orders imposing discipline or limiting practice to any chiropractic employer(s) who shall sign and return a copy of such orders to the Board within seven (7) days of employment or receipt of this order.
 - d. Respondent shall submit to the Board quarterly supervisory reports from all chiropractic employers that address the Respondent's work performance, attendance, communication skills, boundary issues, disciplinary actions, and/or any complaints made against the Respondent.
 - e. Respondent shall immediately notify the Board in writing of any relapse.
 - f. Respondent shall attend one (1) NA meeting per week and shall submit quarterly reports of his attendance to the Board. Respondent shall indicate the location of the meetings, person in charge, dates and times of the meeting attended, and verification of his attendance by a responsible member of the facility holding the meeting or other responsible attendee.
 - g. Respondent shall provide the Board with a standing order from a physician for random urine tests for drug and alcohol use at Respondent's expense. The Board will notify Respondent when the random urine tests are to be performed and Respondent shall complete the screen within twenty-four (24) hours of the notification. The results of the urine tests shall be submitted directly to the Board.

- h. Respondent shall make personal appearances before the Board bi-annually.
 - i. Respondent shall submit to the Board quarterly reports from his treating psychologist and psychiatrist that address the Respondent's progress and frequency of meetings.
 - 2. Respondent further understands that:
 - a. A violation of the Final Order;
 - b. Any non-compliance with the statutes or regulations regarding the practice of chiropractic; or
 - c. Any violation of the Settlement Agreement;may result in the State requesting an emergency suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Indiana Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

Board Action: A motion was made and seconded to accept the settlement agreement as proposed.

FRISCHMAN/DAVIS
Motion carried 5-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business.

IX. DISCUSSION

A. National Board of Chiropractic Examiners

Re: NBCE Supports Chiropractic Position at the World Health Organization

The Board took notice of this letter advising the creation of the first ever chiropractic position with the World Health Organization in Geneva, Switzerland.

B. Online CE

Re: Updates for Licensing Boards Newsletter - First Quarter 2009

The Board reviewed a letter sent from Online CE and determined that at this time they will not consider online continuing education for renewal of license.

C. Proposed Rule Changes

The Board discussed the SPEC exam and allowing it to be used in lieu of Part IV for applicants applying by endorsement.

X. APPLICATION REVIEW

A. Endorsement Applications

1. Daniel K. Mossell, D.C.

Dr. Mossell was present when they discussed his application for licensure. Dr. Mossell is a 1991 graduate of National College of Chiropractic and has taken and passed National Boards of Chiropractic Examiners (NBCE) Part I, II, III and Physiotherapy. Dr. Mossell currently holds a license in the state of Illinois. Dr. Mossell has not taken NBCE Part IV or a state constructed practical examination. Ms. Vaught explained to the Board that the law requires that Dr. Mossell complete a state constructed practical examination or NBCE Part IV to qualify for an Indiana chiropractic license.

Board Action: A motion was made and seconded to table Dr. Mossell's application until he completes Part IV of the NBCE or until the file becomes one year old at which time it will be considered abandoned.

DAVIS/BERNOTT
Motion carried 6-0-0

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review

D. Professional Corporation Applications

There were no Professional Corporation applications to review

XI. PROBATIONARY REPORT

There were no probationary reports given.

XII. CONTINUING EDUCATION

There was no continuing education to review.

XIII. REPORTS

A. Indiana State Chiropractic Association

Pat McGuffey spoke to the Board about the legislative session and what they are working on. She advised the spring conference will be held April 17-19, 2009 and they will be having a risk management program on professional boundaries. She stated the fall conference has been set but she will provide more information at a later date.

B. International Chiropractic Association of Indiana

Susan Ellis advised that the ICAI had good attendance at their spring seminar and the fall seminar has been planned for September 27-28, 2009. Ms. Ellis mentioned she has heard concerns from some practitioners about CE programs they attended which turned out to be sales pitches. The Board advised that if these programs are being given by approved sponsors then the only time they can be policed is at the time of an audit. She was asked to submit the sponsors and titles of these programs and the Board will watch for them at the next renewal.

C. Consumer Complaints

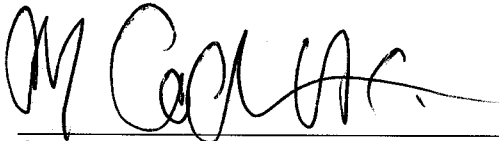
There was no report given on consumer complaints.

D. Continuing Education

There was no report given on continuing education but Dr. Davis, Dr. Frischman, and Dr. Klaes-Lanham had some programs to review since the last meeting.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:30 a.m.



Charles Cochran, D.C. - Vice Chairman

10-1-09

Date

